

109TH CONGRESS
2D SESSION

H. R. 6224

To establish a Federal incentive grant program for States that implement effective measures to prevent and reduce underage consumption of beverage alcohol, to evaluate the effectiveness and efficiency of anti-underage drinking programs funded with Federal dollars, and to provide appropriate reporting of Federal underage drinking data.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2006

Mr. WHITFIELD (for himself, Mr. TOWNS, Mr. PORTER, Mr. GORDON, Ms. BERKLEY, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a Federal incentive grant program for States that implement effective measures to prevent and reduce underage consumption of beverage alcohol, to evaluate the effectiveness and efficiency of anti-underage drinking programs funded with Federal dollars, and to provide appropriate reporting of Federal underage drinking data.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Underage Drinking
5 Prevention Act of 2006”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) The consumption of beverage alcohol by un-
4 derage youth is an ongoing national concern. About
5 10.8 million Americans between the ages of 12 to
6 20—for whom alcohol is illegal—report current alco-
7 hol use, approximately 29 percent of that age group.
8 (Substance Abuse and Mental Health Services Ad-
9 ministration; 2004 National Survey on Drug Use
10 and Health.)

11 (2) Despite the seriousness of the problem that
12 exists, significant declines have been noted over the
13 past decade among 8th, 10th and 12th graders.
14 Since 1991, “binge drinking” has declined by 19
15 percent for 8th graders; 8 percent for 10th graders;
16 and 6 percent for 12th graders, and “past month
17 drinking” has declined by 32 percent for 8th grad-
18 ers; 22 percent for 10th graders; and 13 percent for
19 12th graders (2005 Monitoring the Future Survey).

20 (3) However, 42 percent of college students re-
21 port having five or more drinks in a row at least
22 once in the past two weeks. Sixty-eight percent re-
23 port drinking alcohol within the past month. Con-
24 sumption patterns in this category have remained
25 flat over the last decade. (Johnson, et al., 2004
26 Monitoring the Future Study.)

1 (4) Sixty-five percent of underage youth who
2 drink obtain alcohol from family and friends. Seven
3 percent of youth report they obtained alcohol from
4 retailers who failed to check for identification (Teen-
5 age Research Unlimited, Omnibus 2003).

6 (5) Data from the National Academy of
7 Sciences/Institute of Medicine, the Federal Trade
8 Commission and the American Medical Association
9 show that most youth who drink obtain alcohol pri-
10 marily through non-commercial sources, such as
11 family and friends.

12 (6) In 2000, an estimated \$71 million of feder-
13 ally appropriated funding was dedicated to the pre-
14 vention of underage drinking. Many Federal agen-
15 cies have program activities that include the preven-
16 tion of underage drinking, but for which agency offi-
17 cials have not isolated funding specific to alcohol.
18 For example, \$769 million in funding was used for
19 activities that addressed the prevention of alcohol
20 and other drug use that targeted either youth or
21 both youth and the broader community. (GAO-01-
22 503, Underage Drinking, Information on Federal
23 Funds Targeted at Prevention, 2001.)

24 (7) The Department of Health and Human
25 Services/Substance Abuse and Mental Health Serv-

1 ices Administration stated that programs that have
2 not been rigorously evaluated cannot be assumed to
3 be effective. Programs that are funded by the Fed-
4 eral Government should have evidence of effective-
5 ness (A Comprehensive Plan for Preventing and Re-
6 ducing Underage Drinking, 2006).

7 (8) Based upon evidence of effectiveness, exist-
8 ing Federal funding should be reallocated to pro-
9 grams and grants to States with effective measures
10 to prevent and reduce underage drinking.

11 **SEC. 3. ADMINISTRATION; CONSULTATION.**

12 (a) ADMINISTRATION.—This Act shall be carried out
13 by the Secretary of Health and Human Services on behalf
14 of the Interagency Coordinating Committee on the Preven-
15 tion of Underage Drinking (referred to in this Act as
16 “ICCPUD”).

17 (b) CONSULTATION WITH NONFEDERAL ENTI-
18 TIES.—In carrying out this Act, the Secretary shall con-
19 sult with States, public and private entities, including col-
20 leges and universities; public health and consumer organi-
21 zations; and the beverage alcohol industry.

22 **SEC. 4. EVALUATION OF FEDERAL UNDERAGE DRINKING**
23 **PROGRAMS.**

24 (a) IN GENERAL.—The Secretary shall in accordance
25 with subsection (b) evaluate programs that are carried out

1 in whole or in part with Federal funds and are intended
2 to prevent and reduce the consumption of beverage alcohol
3 by minors (referred to in this Act as “underage drink-
4 ing”).

5 (b) CERTAIN REQUIREMENTS.—In carrying out sub-
6 section (a), the Secretary shall—

7 (1) identify Federal underage drinking pro-
8 grams—

9 (A) that primarily make awards of grants,
10 cooperative agreements, or contracts to States
11 or local governments; and

12 (B) that primarily make such awards to
13 private entities;

14 (2) determine the cost of each of the programs,
15 with allocations specific to Federal, State, local, and
16 private expenditures; and

17 (3) evaluate all programs and require grantees
18 to build the evaluation costs into grant proposals.

19 (c) CERTAIN REQUIREMENTS.—With respect to eval-
20 uations under subsection (a):

21 (1) The Secretary shall work jointly with the
22 funded entity to develop evaluation criteria appro-
23 priate to each program.

24 (2) The Secretary shall determine that all eval-
25 uations are properly completed in a timely fashion.

1 (3) Programs that do not receive a score that
2 demonstrates effectiveness will have to be modified
3 or will not be eligible for future funding.

4 (d) REPORT TO CONGRESS.—The Secretary shall
5 complete the evaluations under subsection (a) and submit
6 to the Congress a report summarizing the results of the
7 evaluations. The report shall include the information pur-
8 suant to subsections (b) and (c) and recommendations for
9 reallocating Federal funding for underage drinking pre-
10 vention and reduction programs toward the incentive
11 grant created in section 5 or to programs deemed to be
12 effective and evidence-based. The list of evaluated and evi-
13 dence-based programs should be made available online and
14 should be evaluated on a revolving basis.

15 **SEC. 5. INCENTIVE GRANTS TO STATES REGARDING MEAS-**
16 **URES TO PREVENT OR REDUCE UNDERAGE**
17 **DRINKING.**

18 (a) IN GENERAL.—The Secretary may make grants
19 to eligible States for the purpose of carrying out activities
20 to prevent, and reduce underage drinking by reallocating
21 funding from grants and programs deemed ineffective in
22 section 4.

23 (b) ELIGIBLE STATES.—A State is an eligible State
24 for purposes of this section if the State has implemented

1 not fewer than five of the following ten policies with re-
2 spect to underage drinking:

3 (1) The State has demonstrated coordination
4 among agencies, including public health, alcohol bev-
5 erage control and law enforcement, to prevent and
6 reduce underage drinking and abuse by providing
7 prevention and treatment as well as enforcing laws
8 regarding the illegal purchase, attempt to purchase,
9 possession, consumption, furnishing, and provision
10 of beverage alcohol to minors.

11 (2) The appropriate agencies referred to in
12 paragraph (1) have conducted a review to identify
13 and catalog state and local underage drinking pre-
14 vention and reduction programs online and have
15 evaluated programs consistent with criteria pursuant
16 to section 4.

17 (3) The State has implemented a comprehensive
18 plan to improve enforcement and adjudication of ex-
19 isting laws to prevent and reduce underage drinking
20 and to report the results of these efforts.

21 (4) The State has—

22 (A) penalties for adults who knowingly and
23 illegally provide alcohol to minors in violation of
24 State law;

1 (B) penalties for minors who purchase, at-
2 tempt to purchase, possess or consume beverage
3 alcohol in violation of State law, including driv-
4 er's license penalties; and

5 (C) penalties that escalate with repeat of-
6 fenses.

7 (5) The State has monetary fines resulting
8 from the imposition of such penalties outlined in
9 paragraph (4) that are used to provide funding for
10 programs to prevent and reduce underage drinking
11 in the States in which the violation occurred.

12 (6) The State requires parental notification for
13 minors who seek to fraudulently acquire beverage al-
14 cohol in violation of State law.

15 (7) The State publicizes its laws and penalties
16 regarding underage drinking, including penalties for
17 individuals who illegally provide or furnish beverage
18 alcohol to minors in violation of State laws.

19 (8) The State has established mechanisms for
20 effective collaboration between licensed retailers, in-
21 cluding retailers owned or operated by or on behalf
22 of the State or its agency, and law enforcement au-
23 thorities to detect and stop the use of false or fraud-
24 ulent identification.

1 (9) The State has established incentives for
2 such retailers as defined in paragraph (8)—

3 (A) to regularly train employees who serve
4 or sell alcohol; and

5 (B) to utilize age verification in the serving
6 and selling of alcohol.

7 (10) The State has developed and implemented
8 evidence-based programs designed to educate par-
9 ents about underage drinking and how to address
10 the issue.

11 **SEC. 6. FUNDING.**

12 (a) CERTAIN TRANSFERS.—With respect to Federal
13 underage drinking prevention and reduction programs
14 that are determined by the Secretary through evaluations
15 under section 4 to be ineffective, the Secretary may termi-
16 nate such programs and transfer the Federal amounts in-
17 volved for use for—

18 (1) programs determined under the evaluations
19 to be effective in preventing or reducing underage
20 drinking;

21 (2) evidence-based programs to prevent or re-
22 duce underage drinking; and

23 (3) incentive grants to states regarding meas-
24 ures to prevent or reduce underage drinking.

1 (b) STATE FUNDING LEVELS.—Once the Secretary
2 has submitted the report under section 4 to Congress,
3 States will retain and manage their Federal funds and will
4 have an initial two-year grace period to either modify or
5 sunset ineffective programs and reallocate Federal re-
6 sources. Thereafter, unused funds must be obligated be-
7 fore the fiscal year ends in order to be carried over to
8 the next fiscal year. Once obligated, the funds can be used
9 within a four-year period.

10 **SEC. 7. IMPROVED COLLECTION AND REPORTING.**

11 (a) IN GENERAL.—

12 (1) REPORTING IN CONSISTENT MANNER.—
13 ICCPUD, as part of its ongoing efforts to improve
14 Federal data collection, shall require that federally
15 funded surveys collect and report data in a con-
16 sistent manner that allows users of this data to com-
17 pare the results of these surveys. In these efforts,
18 the surveys shall report demographic categories that
19 represent the cohort of those under the age of 21.
20 In order to facilitate more useful data analysis, the
21 following age categories shall be established, where
22 cohorts are available and used in those activities de-
23 scribed in subsection (b):

24 (A) Early teens—persons 12 to 14 years of
25 age.

1 (B) Teens—persons 15 to 17 years of age.

2 (C) Underaged adults—persons 18 to 20
3 years of age.

4 (2) ADDITIONAL REQUIREMENTS.—With re-
5 spect to the age groupings under paragraph (1):

6 (A) The grouping shall not preclude the
7 use of other age groups or the use of a com-
8 prehensive age grouping of people between the
9 ages of 12 to 20.

10 (B) The groups shall include gender, eth-
11 nic and other specific demographic data.

12 (b) USE OF CERTAIN NATIONAL SURVEYS.—Activi-
13 ties under subsection (a) shall include the collection and
14 reporting of relevant data from—

15 (1) national surveys funded by the Secretary,
16 including but not limited to Monitoring the Future
17 Survey and National Survey on Drug Use and
18 Health; and

19 (2) State data available from research con-
20 ducted or supported by the States, which wholly or
21 partially use Federal funds.

22 **SEC. 8. DEFINITIONS.**

23 For purposes of this Act:

24 (1) The term “Secretary” means the Secretary
25 of Health and Human Services.

1 (2) The term “underage drinking” means the
2 illegal consumption, purchase, attempt to purchase
3 or possession of beverage alcohol in violation of
4 State law.

5 (3) The term “underage drinking programs”
6 means programs referred to in section 4(a).

7 (4) The term “minors,” with respect to a State,
8 means individuals who are under the age designated
9 in the law of the State as the minimum age for le-
10 gally purchasing, attempting to purchase, consuming
11 or possessing beverage alcohol as defined under
12 State law.

13 (5) The term “beverage alcohol industry”
14 means producers, bottlers, importers, marketers,
15 wholesalers, and retailers, including control state ju-
16 risdictions, of beer, wine and distilled spirits.

17 (6) Incentive grant means funding reallocated
18 from programs deemed to be ineffective.

○